



# **Santa Fe County Detention Facility PREA Annual Report 2019**



## **Prison Rape Elimination Act (PREA)**

The Prison Rape Elimination Act (PREA) was signed into law by President George W. Bush in 2003 to address the problem of sexual abuse and sexual harassment of persons in the custody of U.S. correctional agencies. The subsequent development of the PREA Standards by the Department of Justice emphasizes the prevention, detection, and response to allegations of sexual abuse and harassment. PREA applies to all public and private confinement institutions that house adult or juvenile offenders and is also relevant to community-based agencies.

PREA requires that each facility collect and review data "...in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies and training" [Standard §115.88(a)]. In addition, PREA requires all correctional facilities to conduct sexual abuse incident reviews and collect "accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions." [Standard §115.87(a)].

### **PREA at Santa Fe County Detention Facility (SFCDF)**

It is the mission of the Santa Fe County Detention Facility to provide a safe and secure environment for all inmates ensuring their right to be free from the threat of any form of sexual abuse, sexual harassment and retaliation.

The Santa Fe County Detention Facility maintains a zero tolerance toward any form of sexual assault, sexual harassment and retaliation between inmates, other inmates, staff, contractors and volunteers and enforces this policy in compliance with the PREA standards.

We are committed to providing a safe, healthy environment for staff and inmates. Inmates who are sexually abused or sexually harassed are encouraged to immediately report utilizing any of our multiple reporting methods. Every report is taken seriously and all allegations will be thoroughly, promptly, and objectively investigated. Any substantiated allegations will be immediately referred for

disciplinary actions up to and including termination (staff, contractors and volunteers) and also referred to local law enforcement for criminal proceedings.

The Santa Fe County Detention Facility provides continuous training to staff, contractors and volunteers. This training includes a specialized focus for our Medical, Behavior Health and Investigative staff.

Inmates are provided information about sexual abuse/assault and sexual harassment to include:

- Prevention
- Intervention
- Self-Protection
- How to Report
- Zero Tolerance
- Treatment/Counseling

The Santa Fe County Detention Facility has a commitment to improving the services available to our inmates. We have built and sustained partnerships with Solace Crisis Treatment Center, Christus St. Vincent's SANE Program, Transgender Resource Center and New Mexico Coalition of Sexual Assault Programs. These partnerships have played a vital role in offering services to our inmate population and continuing services upon their release. We have conducted cross training with Solace Crisis Treatment Center staff and have had Community Advocates conduct group sessions with our inmate population.

## **Definitions**

***Sexual Abuse:*** Includes, but is not limited to, subjecting another person to any sexual act or contact between an employee, volunteer, contractor, or facility representative, and an inmate by force, persuasion, inducement, or enticement; any criminal sexual penetration or contact (under NM Law; subjecting another person who is incapable of giving consent by reason of their custodial status, physical or mental state to sexual contact; or rape, sexual molestation, prostitution or other form of sexual exploitation).

**Sexual Assault:** Includes, but is not limited to, subjecting another person to any sexual act or contact between an employee, volunteer, contractor, or facility representative, and an inmate by force, persuasion, inducement, or enticement; any criminal sexual penetration or contact, (under New Mexico law; subjecting another person who is incapable of giving consent by reason of their custodial status, physical or mental state to sexual contact; or rape, sexual molestation, prostitution, or other form of sexual exploitation).

**Sexual Contact:** Behavior that includes, but is not limited to, all forms of sexual contact, intentional sexual touching or physical contact in a sexual manner, either directly or through clothing, of the genitalia, anus, groin, breasts, thighs or buttocks, with or without the consent of the person; or any touching or inappropriate viewing with intent to arouse, humiliate, harass, degrade, or gratify the sexual desire of any person. Sexual contact does not include searches of the person, to include strip searches.

**Sexual Harassment:** Includes, but is not limited to, all of the following, whether by staff, volunteers, contractors, other facility representatives, or inmates: sexual advances; sexually offensive language, comments or gestures; influencing, promising or threatening any inmates (or staffs') safety, custody status, privacy, housing, privileges, work or program status, in exchange for personal gain or favor of a sexual nature; creating or encouraging an atmosphere of intimidation, hostility or offensiveness as perceived by any individual who observes the sexually offensive behavior or language.

**Voyeurism:** (by a staff employee, contractor, or volunteer) - An invasion of privacy of an inmate by staff for reasons unrelated to official duties, such as peering at an inmate who is using a toilet in his or her cell to perform bodily functions; requiring an inmate to expose his or her buttocks, genitals, or breasts; or taking images of all or part of an inmate's naked body or of an inmate performing bodily functions.

**Substantiated:** The allegation that was investigated and determined to have occurred.

**Unfounded:** The allegation that was investigated and determined not to have occurred.

**Unsubstantiated:** The allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.

**Preponderance of Evidence:** the standard of proof in which the party bearing the burden of proof must present evidence which is more credible and convincing than that presented by the other party or which shows that the fact to be proven is more probable than not. (The Santa Fe County Detention Facility imposes a standard no higher than the preponderance of evidence in determining if sexual abuse or sexual harassment allegations are substantiated.)

### Data

	<b>2018</b>	<b>2019</b>
<b>New Admissions (Male)</b>	6,288	5,728
<b>New Admissions (Female)</b>	2,246	2,035
<b>Yearly Total</b>	8,534	7,763
<b>Average Daily Population (Male)</b>	412	373
<b>Average Daily Population (Female)</b>	95	95

## PREA Allegations Data

	<b>2018</b>	<b>2019</b>
<b>Substantiated</b>	0	2
<b>Unsubstantiated</b>	16	11
<b>Unfounded</b>	15	10
<b>Total</b>	31	23

## 2018 PREA Allegations Sub Categories

<b>Type of Incident</b>	<b>Substantiated</b>	<b>Unsubstantiated</b>	<b>Unfounded</b>
Inmate on Inmate Sexual Abuse	0	6	0
Inmate on Inmate Sexual Harassment	0	2	0
Inmate on Inmate Sexual Contact	0	1	0
Staff on Inmate Sexual Harassment	0	2	0
Staff on Inmate Sexual Contact	0	1	1
Staff on Inmate Voyeurism	0	4	14

## 2019 PREA Allegations Sub Categories

<b>Type of Incident</b>	<b>Substantiated</b>	<b>Unsubstantiated</b>	<b>Unfounded</b>
Inmate on Inmate Sexual Abuse	0	2	0
Inmate on Inmate Sexual Harassment	0	2	1
Inmate on Inmate Sexual Contact	1	2	2
Staff on Inmate Sexual Harassment	0	2	2
Staff on Inmate Sexual Contact	0	0	0
Staff on Inmate Voyeurism	1	0	4